

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number.....10/700,329  
 Filing Date.....Nov 03, 2003  
 Inventorship.....da Silva et al.  
 Applicant.....Vivato, Inc.  
 Attorney's Docket No. ....MN1-010US  
 Title: Directed Wireless Communication

**DECLARATION AND POWER OF ATTORNEY****Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if multiple names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Directed Wireless Communication," with Application No. 10/700,329 as identified above.

I have reviewed and understand the content of the above-identified application, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

PRIOR FOREIGN APPLICATIONS: N/A

1  
2 **Power of Attorney**

3 As a named inventor, I hereby appoint the following attorney(s) and/or  
4 agent(s) associated with **Customer No. 29150** to prosecute this application and  
5 transact all business in the Patent and Trademark Office connected therewith.  
6

7 Send correspondence to: **Customer Number: 29150.**

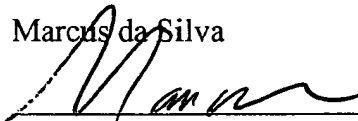
8 Direct telephone calls to: David A. Morasch (509) 324-9256.  
9

10 All statements made herein of my own knowledge are true and that all  
11 statements made on information and belief are believed to be true; and further that  
12 these statements were made with the knowledge that willful false statements and the  
13 like so made are punishable by fine or imprisonment, or both, under Section 1001 of  
14 Title 18 of the United States Code and that such willful false statement may  
15 jeopardize the validity of the application or any patent issued therefrom.  
16

17 \* \* \* \* \*

18 Full name of inventor: Marcus da Silva

19 Inventor's Signature



Date: May 3, 2004

20 Residence: Spokane, WA

21 Citizenship: USA

22 Post Office Address: 5510 East 25th  
23 Spokane, WA 99223  
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25

\*\*\*\*\*

Full name of inventor:

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Inventor's Signature

William J. Crilly, Jr. Date: 4/16/04

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Citizenship:

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Full name of inventor:

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Inventor's Signature

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Date: \_\_\_\_\_

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Full name of inventor:

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Robert J. Conley Date: 4/16/04

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William J. Crilly, Jr. Date: 4/16/04

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Full name of inventor:

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James Brennan Date: 6/13/04

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Full name of inventor:

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Inventor's Signature

Robert J. Conley Date: 4/16/04

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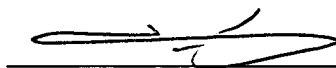
23326 E. 2nd Avenue  
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Full name of inventor:

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Inventor's Signature



Date: 4.22.04

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Full name of inventor:

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Inventor's Signature



Date: 4/22/04

Residence:

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Post Office Address:

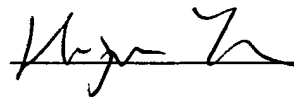
7542 Ontario Street  
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Full name of inventor:

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Inventor's Signature



Date: 05/05/04

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Full name of inventor:

Bobby Jose

Inventor's Signature



Date: 16 April 04

Residence:

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Citizenship:

~~USA~~ INDIA

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Full name of inventor:

Yang-Seok Choi

Inventor's Signature



Date: 4/19/04

Residence:

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Citizenship:

Korea

Post Office Address:

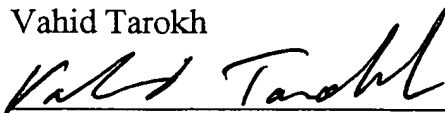
22809 East Country Vista Drive, Apt. 438  
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Full name of inventor:

Vahid Tarokh

Inventor's Signature



Date: 6/21/04

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Full name of inventor:

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Inventor's Signature



Date: 16 April 04

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Veradale, WA

Citizenship:

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Post Office Address:

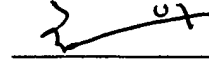
15821 East 4th Ave, Apt F 125  
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Full name of inventor:

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Full name of inventor:

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Inventor's Signature

Praveen

Date: 06/24/04

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Citizenship:

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In re Application of:

Marcus da Silva et al.

Application No.:

10/700,329

Filing Date:

11/03/2003

Title:

Directed Wireless Communication

Direct to:

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**NOTICE UNDER 37 CFR 1.251 – Pending Application****Statement (check the appropriate box):**

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Dec. 28, 2004  
Date  
SignatureDavid A. Morasch

Typed or printed name

**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



EV549908112

**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**NOTICE UNDER 37 CFR 1.251 - Pending Application**

☐ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

**Oath or Declaration filed on 07-07-2004**

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

**Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).**

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

James Murphy

( 703 ) 305-6890